

Remarks

Entry of the above amendments is respectfully requested.

The Reference to Related Applications section has been amended in order to correct some informalities. In particular, the status for Patent Application Serial No. 09/887,574 has been added, and the filing date for U.S. Provisional Application No. 60/017,133 has been changed from "May 19, 1996" to "May 17, 1996." Moreover, to further improve the form of the reference to the section, "U.S. Provisional Application Serial No." has been added in front of selected provisional applications. The title for U.S. Patent No. 5,857,983 has been added, and the application number for the application entitled "Disposable Element for Use in a Body Fluid Sampling Device" has been added. It is submitted that these amendments are editorial in nature, and therefore, no new matter has been added.

As a housekeeping matter, it should be noted that the Declaration submitted from the parent application lists the serial numbers for three applications that were converted from utility applications to provisional applications. A chart provided below summarizes the changes in serial number when the applications were converted.

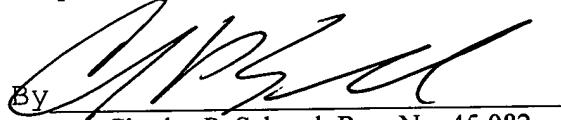
| <u>Previous Utility Serial No.</u> | <u>Current Provisional Serial No.</u> |
|---|--|
| Application Serial No. 08/714,548 | → Provisional Serial No. 60/092,121 |
| Application Serial No. 08/710,456 | → Provisional Serial No. 60/064,856 |
| Application Serial No. 08/727,074 | → Provisional Serial No. 60/044,406 |

Copies of the Decision on Petitions that were issued to convert these three applications to provisional applications have been enclosed for the Examiner's convenience. It should be noted that with respect to U.S. Provisional Application Serial No. 60/092,121, filed September 16, 1996, it is believed that there was a typographical error in the Decision on Petition. Specifically, the application number

was listed as “09/714,548”, when it is believed that it should have been listed as “08/714,548.” As should be appreciated from reviewing § 503 of the M.P.E.P., applications filed in 1996 should have a “08” series code, rather than a “09” series code. Based on the above discussion, it is submitted that the Declaration submitted with the present application correctly identifies the original serial numbers from which a benefit of priority is claimed. Consequently, a new Declaration does not have to be submitted in order to perfect the claim of priority. Please note that a Request for Corrected Filing Receipt has be submitted with this Preliminary Amendment so that these three applications can be added to the claim of domestic priority.

If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant’s undersigned representative by telephone.

Respectfully Submitted,



By

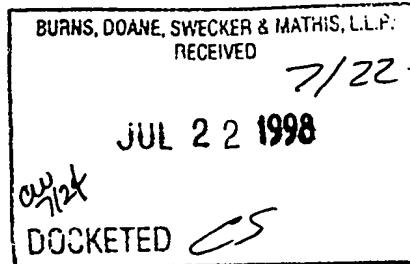
Charles P. Schmal, Reg. No. 45,082
Woodard, Emhardt, Moriarty, McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

July 21, 1998

file
T Gene Dillahunt
P.O. Box 1404
Alexandria, Virginia 22313-1404



In re Application of:
Joel S. Douglas, et al.
Application No.: 09/714,548
Filed: September 16, 1996
Attorney Docket No.: 018176-015

DECISION ON PETITION

This is a decision on petition under 37 CFR 1.53(b)(2)(ii) filed March 17, 1997, to convert the above identified application to a Provisional application under 35 U.S.C. 111 (b) and 37 CFR 1.53(b)(2).

The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new Provisional application number.

The Provisional application serial number is 60/092,121 the filing receipt for the Provisional application number will be communicated to applicant by OIPE in due course.

Betty L. Robinson, Program Assistant
Office of Initial Patent Examination
(703) 308-0910

018176-015



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Paper 7

R Gene Dillahunty
Burns Doane Swecker & Mathis
3000 Sand Hill RD LDG 4
Suite 160
Menlo Park, CA 94025

December 1, 1997

In re Application of:

Joel S. Douglas et al.

Application No.: 08/710,456

Filed: September 17, 1996

Attorney Docket No.: 018176-016

file

DECISION ON PETITION

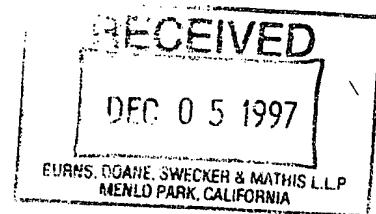
This is a decision on petition under 37 CFR 1.53(b)(2)(ii) filed March 17, 1997, to convert the above identified application to a Provisional application under 35 U.S.C. 111 (b) and 37 CFR 1.53(b)(2).

The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new Provisional application number.

The Provisional application serial number is 60/064,856 the filing receipt for the Provisional application number will be communicated to applicant by OIPE in due course.

Betty L. Robinson, Program Assistant
Office of Initial Patent Examination
(703) 308-0910



DOCKETED

M.P.
12/8/97 (AMO)

T. Gene Dillahunty
P.O. Box 1404
Alexandria, Virginia 22313-1404

Paper 4

May 21, 1997

In re Application of:
Joel S. Douglas, et al.
Application No.: 08/727,074
Filed: October 8, 1996
Attorney Docket No.: 018176-017

DECISION ON PETITION

This is a decision on petition under 37 CFR 1.53(b)(2)(ii) filed March 17, 1997, to convert the above identified application to a Provisional application under 35 U.S.C. 111 (b) and 37 CFR 1.53(b)(2).

The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new Provisional application number.

The Provisional application serial number is 60/044,406.

The filing receipt for the Provisional application number will be communicated to applicant by OIPE in due course.

James L. Koontz

James L. Koontz, Manager
Office of Initial Patent Examination
108-0910